

Senate, No. 2790

[Senate, July 8, 2008 – Text of the Senate amendment (Ways and Means) to the House Bill financing improvements to the Commonwealth's transportation system (House, No. 4846)]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND EIGHT

SECTION 1. To provide for a program of transportation development and improvements, the sums set forth in sections 2A to 2G, inclusive, for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the provisions of law regulating the disbursement of public funds and approval thereof.

NO SECTION 2.

SECTION 2A

EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS

Department of highways

6033-0817 For the design, construction and repair of or improvements to nonfederally-aided roadway and bridge projects and for the nonparticipating portion of federally- aided projects; provided, that the costs of professional personnel directly and exclusively involved in the construction, planning, engineering and design of the projects funded herein may be charged to this item; provided further, that those costs shall not be classified as administrative costs; provided further that \$300,000 shall be expended for the Riverwalk connection to downtown Main street in the town of Amesbury; provided further that \$220,000 shall be expended for the Phase II disabled accessibility renovations at the Rail Depot in the town of Athol ;provided further, that \$1,000,000 shall be expended for the Phase I streetscape improvement project in downtown Attleboro; provided further, that not less than \$4,000,000 shall be expended for improvements along state highway route 28 in the town of Avon including, but not limited to, infrastructure and road improvements, sidewalks, lighting, safety and aesthetic improvements; provided further, that not less than \$200,000 shall be expended for engineering, traffic, and safety analysis for the intersection of East Main street and East Spring street in the town of Avon; provided further that \$1,900,000 shall be

expended for the design and construction of improvements to the Airport Rotary in town of Barnstable; provided further that \$3,700,000 shall be expended for roadway improvements to state highway route 28 between Yarmouth road and the Airport Rotary in said town of Barnstable; provided further that \$4,511,000 shall be expended for road reconstruction and improvements to said state highway route 28 in said town of Barnstable; provided further that \$4,400,000 shall be expended for the design, construction and right of way acquisition for intersection improvements at said state highway route 28 and Yarmouth road; provided further, that not more than \$7,800,000 shall be expended for the interstate highway route 495 and state highway route 126 interchange improvement project in the town of Bellingham; provided further that \$6,500,000 shall be expended for the reconstruction of the intersection of said state highway route 126 and Pulaski boulevard in the town of Bellingham; provided further that \$7,000,000 million shall be expended for the construction of Segment 2 of the Blackstone Valley Bikeway; provided further, that \$850,000 shall be expended for the planning and design of Segment 1 of the Blackstone Valley Bikeway; provided further that funds shall be expended to provide safety improvements and roadway realignment at the site of the Bourne landfill on the northbound side of state highway route 28; provided further, that \$50,000 shall be expended for a safety and traffic study for an at-grade crossing of railroad tracks, including the Massachusetts Bay Transportation Authority commuter rail tracks, in the Concord, Alewife area, of the city of Cambridge; provided further, that not less than \$4,500,000 shall be expended for improvements along state highway route 106 from its intersection with Central street to the intersection with Pond street in the town of East Bridgewater; provided further, that not less than \$4,600,000 shall be expended for improvement along state highway route 123 in the town of Easton from the Norton town line to Eastman street; provided further, not less than \$1,000,000 shall be expended for improvements to the Five Corners intersection in said town of Easton; provided further, that not less than \$1,000,000 shall be expended for improvements to the intersection of state highway route 138 at Union street in said town of Easton; provided further, that not less than \$750,000 shall be expended for emergency repairs to the Village Street bridge to improve traffic safety within the Village Middle School zone and to facilitate traffic flow within coastal Essex county; provided further, that \$3,600,000 shall be expended for the design and reconstruction of state highway route 79 in the city of Fall River; provided further, that \$5,000,000 shall be expended for interchange improvements to state highway route 24 in said city of Fall River and the town of Freetown area; provided further, that \$400,000 shall be expended for the repair of the Great Bay Bank slope in the town of Falmouth; provided further, that \$600,000 shall be expended for signal upgrades at the intersections of Davisville road and state highway route 28, the intersection of Jones road, David Straits and said state highway route 28, and the intersection of

Sandwich road and Brick Kiln road in the town of Falmouth; provided further, that \$150,000 shall be expended for the installation of a traffic signal at the intersection of Mason, County and Chase streets in the town of Freetown; provided further, that \$2,000,000 shall be expended for the resurfacing of state highway route 57 in the town of Granville; provided further, that \$50,000 shall be expended on portable solar-powered traffic signalization displays for the town of Groton; provided further, that \$400,000 shall be expended for improvements at the Summer street intersection in the town of Hingham; provided further, that \$2,750,000 shall be expended for roadway safety and other improvements to Norfolk, Central and Highland streets in the town of Holliston; provided further, that \$1,750,000 shall be expended roadway safety and other improvements to state highway routes 135 and 85 and to West Main street in the town of Hopkinton; provided further, that \$595,000 shall be expended for the sidewalk and drainage improvements on Elm Street in the Town of Hubbardston; provided further that \$2,000,000 shall be expended for the addition of lanes and widening of Yarmouth Road; provided further that \$1,000,000 shall be expended for the installation of a traffic signal and associated intersection improvements at state highway route 3A at state highway route 53, Kingsbury Plaza; provided further, that \$1,500,000 shall be expended for intersection improvements and traffic signal installation at said state highway route 3A at Howlands lane and Crescent street in the town of Kingston; provided further, that \$4,700,000 shall be expended for all costs associated with traffic, transit, streetscape and pedestrian improvements to promote economic development in the Hamilton Canal District in the city of Lowell; provided further, that not more than \$100,000 shall be expended for the completion of the East street revitalization project in the town of Ludlow; provided further, that \$750,000 shall be expended for emergency repairs to state highway route 129 from the Lynn city line at Humphrey street to Puritan road and from Atlantic avenue to the end; provided further, that \$1,200,000 shall be expended for roadway improvements in downtown Malden Square; provided further, that \$100,000 shall be expended for the installation of traffic signals at the intersection of Charles and Canal streets in the city of Malden; provided further that \$2,000,000 shall be expended for the reconstruction of a seawall along the Ocean Avenue causeway, linking Marblehead Neck to Marblehead proper; provided further, that not less than \$50,000 shall be expended for replacement and improvement of street signs in the town of Mattapoisett; provided further, that \$450,000 shall be expended for the reconstruction of Bellevue avenue from the Fellsway to Porter street and from Porter street to Upham street in the city of Melrose; provided further, that that \$100,000 shall be expended for the planning and installation of a traffic signal at the intersection of state highway route 16 and Hartford avenue in the town of Mendon; provided further, that funds shall be expended for bank and slope stabilization along the entire section of River road, from Skunk road to Bancroft lane in the town of

Merrimac; provided further, that \$6,000,000 shall be expended for the construction of a new, full interchange on interstate highway route 93 between existing exits 41 and 42; provided further, that \$1,000,000 shall be expended to implement short-term solutions for the state highway route 110 rotary in city known as the town of Methuen; provided further, that \$775,000 shall be expended for the design and construction of the state highway route 16 signalization improvement project in the town of Milford; provided further, that not more than \$2,000,000 shall be expended for the acquisition of a right-of-way for the Veterans Memorial drive alternate route project in the town of Milford; provided further, that \$1,200,000 shall be expended for the design and installation of traffic signals at the intersections of East and East Center street; Matfield and North Main streets and Belmont and Plain streets in the town of West Bridgewater; provided further, that not less than \$500,000 shall be expended to convert overhead utilities to underground for the Central avenue business district at Eliot street in the town of Milton; provided further, that not less than \$5,000,000 shall be expended for improvement to state highway route 28 in the town of Milton from Central avenue to Blue Hills parkway, including repairs to stone walls and fencing along Kelly Field; provided further, that not more than \$1,000,000 shall be expended for the reconstruction of a retaining wall on the corner of Montgomery road in Russell and Carrington roads in the town of Montgomery; provided further, that \$6,000,000 shall be expended for the reconstruction and discontinuance of a segment of the Needham street corridor from the state highway route 9 westbound ramps to the Needham town line; provided further, that not less than \$4,000,000 shall be expended to provide traffic, transit, streetscape and pedestrian improvements to promote economic development and tourism in the downtown and waterfront areas of the city of New Bedford; provided further, that not less than \$2,000,000 shall be expended for design, construction and engineering costs of a bike and pedestrian path along the Hurricane Barrier in the city of New Bedford; provided further, that not less than \$2,000,000 shall be expended for improvements to Acushnet avenue from Braley road to the Freetown town line; provided further, that not less than \$3,000,000 shall be expended for the design and construction of state highway route 18 in the city of New Bedford; provided further, that \$700,000 shall be expended for the realignment of the intersection at Spofford street., Moseley avenue and Merrimac street in the city of Newburyport; provided further, that \$2,100,000 shall be expended for the reconstruction and discontinuance of a segment of the Highland avenue corridor from Webster street to the Newton city line; provided further that \$2,900,000 shall be expended for streetscape improvements to Machine Shop Village in the town of North Andover; provided further, that \$4,600,000 shall be expended for the reconstruction of the section of state highway route 123 from Eastman street to the Norton town line; provided further, that \$2,000,000 shall be expended for flood mitigation in the city

of Peabody; provided further, that \$1,400,000 shall be expended for the reconstruction of state highway route 27, School street, from the intersection of state highway routes 36 and to the Kingston town line; provided further, that \$1,450,000 shall be expended for the reconstruction of state highway route 27 from Bryantville Center to the intersection of state highway routes 27 and 36 in the town of Pembroke; provided further, that \$3,500,000 shall be expended for the Part II reconstruction of state highway route 14 in said town of Pembroke; provided further, that \$700,000 shall be expended for the design and construction of a new on ramp to state highway route 3 northbound from Long Pond road, westbound; provided further, that \$800,000 shall be expended for the installation of traffic lights at South street and Water street at state highway route 3A; provided further, that \$800,000 shall be expended for the resurfacing of interstate highway route 3 and related work; provided further, that \$800,000 shall be expended for the realignment of the entrance of Mobile Home Estates with Marc drive and the installation of a traffic signal; provided further, that \$1,000,000 shall be expended for intersection improvements and traffic signal installation at state highway route 3A, state Road, at Herring Pond road; provided further, that \$2,400,000 shall be expended for the design, planning and construction of the Obery street, northbound slip ramp and associated roadway improvements and reconstruction of Obery street in the town of Plymouth; provided further, that not less than \$4,000,000 shall be expended for design, rehabilitation and reconstruction of state highway route 28 in the town of Randolph from Oak Street to Chickatawbut Road in Milton; provided further, that not less than \$1,500,000 shall be expended for traffic safety and historic road improvements along Bay road in the town of Sharon; provided further, that not less than \$50,000 shall be expended for the design and traffic control enhancements and road and intersection improvements on Grafton street and state highway route 20 in the town of Shrewsbury; provided further, that not less than \$500,000 shall be expended for the construction of road, intersection and traffic safety improvements on Grafton street and said route 20 in the town of Shrewsbury; provided further, that not less than \$50,000 shall be expended for the design for to traffic control enhancements and road and intersection improvements on South Quinsigamond avenue at its intersection by White City Shopping Mall in the town of Shrewsbury; provided further, that not less than \$300,000 shall be expended for the construction of road and traffic, intersection safety improvements on South Quinsigamond avenue at its intersection by White City Shopping Mall in the town of Shrewsbury; provided further, that not less than \$3,000,000 shall be expended for grind, overlay and utility work on Washington street in the city of Somerville; provided further, that not less than \$1 million shall be expended for the redesign of the intersection of the state highway route 28 and Washington Street interchange in the city of Somerville; provided further, that funds shall be expended for roadway safety and other

improvements to Main street in the town of Southborough; provided further, that \$200,000 shall be expended for the construction of a new highway barn and salt shed in the town of Southwick; provided further, that \$750,000 shall be expended for the installation of traffic signals and associated road improvements on a section of Feeding Hills road in the town of Southwick; provided further, that \$9,200,000 shall be expended for signalization and roadway improvements to the state highway route 116 and the Main street corridor in the city of Springfield from the interstate highway route 91 northbound off-ramp at interchange 10 to the Chicopee city line; provided further that \$918,000 shall be expended for the planning and design of the Quinebaug Rail Trail and bikeway along the former Providence and Worcester Railroad right-of-way through the towns of Southbridge, Dudley and Webster; provided further, that \$4,000,000 shall be expended for the reconstruction of state highway route 140 between Legg road in the town of Sterling to Patricia road in the town of Westminster; provided further, that \$300,000 shall be expended for the installation of traffic lights at Main street and North street and Main street at North Border road and South street in the town of Stoneham; provided further, that \$100,000 shall be expended for the installation of traffic islands at the train crossing at Chestnut street, Prospect street and Broadway in the town of Wakefield; provided further, that \$1,200,000 shall be expended for the construction of the Watertown bike path from School street to Grove street; provided further, that \$50,000 shall be expended to study the feasibility of constructing a Massachusetts Bay Transportation Authority Commuter Rail station in the town of West Bridgewater; provided further, that not less than \$200,000 shall be expended for townwide roadway drainage upgrades in the town of West Bridgewater; provided further, that not less than \$10,000 shall be expended for a Traffic Control Opticom system for state highway route 9 in the town of Westborough; provided further that \$500,000 shall be expended for design and engineering costs associated with the construction of a bike and pedestrian rail-trail connecting the towns of Wakefield and Lynnfield; provided further, that \$1,600,000 shall be provided for safety improvements and the reconstruction of Trapelo road and Belmont street corridor; provided further, that 10,000, 000 shall be expended for the construction of Phase A and Phase B of the Riverwalk in downtown Haverhill along the Merrimack River floodwall; provided further, that not less than \$5,000,000 shall be expended for interoperability communication equipment for the Worcester Regional Transit Authority; provided further that \$1,000,000 shall be provided for streetscape improvements in downtown Attleboro; provided further, that \$17,000,000 shall be expended for the reconstruction and discontinuance of certain roadways in the municipalities of Newton and Needham, including both the reconstruction after discontinuance of Highland avenue in the town of Needham from Webster street to the Newton city line and, after discontinuance, the reconstruction of Winchester street and Needham

street in the city of Newton from the state highway route 9 westbound ramps to the Needham town line and all areas appurtenant thereto; provided further, that the discontinuance of Highland avenue shall be east of the state highway route 128 northbound ramps as well as between Webster street and Hunting road and Gould street, and the discontinuance of Winchester street and Needham street shall be south of the state highway route 9 eastbound ramps; provided, however, that the department shall provide the town of Needham and the city of Newton with the necessary funds from this item to complete the respective portions of such project; provided further, that \$10,000,000 be provided for the reconstruction of Boston road in the city of Springfield; provided further, that \$100,000 be provided for the reconstruction of Reservation roadway at Wachusett Mountain; provided further, that \$3,000,000 shall be provided for the Berkshire Mall road project in the town of Lanesborough; provided further, that \$500,000 shall be expended for the Ashuwillticook Rail Trail extension project; provided further, that \$300,000 shall be expended for the Berkshire-New York Rail Connector project; provided further, that \$40,000 shall be provided for safety improvements and traffic control at the intersection of Acton road and Maple road in the town of Chelmsford; provided further, that \$1,900,000 shall be provided for the reconstruction and improvement of state highway routes 117 and 126 in the town of Lincoln; provided further, that \$10,000,000 be provided for the design, engineering and reconstruction of Sullivan Square and the Rutherford Avenue Corridor in the city of Boston; provided further, that \$900,000 shall be provided for safety improvements at Sweetser circle in the city of Everett; provided further, that \$900,000 shall be provided for safety improvements at Santilli circle in said city of Everett; provided further, that \$750,000 shall be provided for signalization upgrades at the intersection of Gallivan boulevard and Adams street in the Dorchester section of the city of Boston; provided further, that \$750,000 shall be provided for signalization upgrades at the intersection of Morton street and Gallivan boulevard in the Mattapan section of the city of Boston; provided further, that \$135,000 shall be provided for the upgrade of the traffic signal at the intersection of I street and Day boulevard in the South Boston section of the city of Boston; provided further, that \$3,500,000 shall be provided for the realignment of Clippership drive and associated roadway and pedestrian improvements in the city of Medford; provided further, that \$750,000 shall be provided for signal improvements at Main street and Hancock avenue and Harvard street and Willis avenue in the city of Medford; provided further, that \$1,200,000 shall be expended for Exit 3 interchange improvements on the Massachusetts Turnpike in the city of Westfield; provided further, that \$300,000 shall be provided to fund the construction of the Massachusetts Avenue Corridor Project in the town of Arlington; provided further, that \$345,000 shall be expended for improvements on Lynn Shore drive; provided further, that \$100,000 shall be provided for the renovation and upgrade of the pedestrian signal light

on Quincy avenue in the town of Braintree; provided further, that \$3,000,000 shall be expended for the redesign, planning and construction of the intersection of Hancock street and East and West Squantum streets in the city of Quincy; provided further, that \$2,500,000 shall be provided for the installation and construction of subsurface cable, telephone and electrical lines at Burgin parkway in said city of Quincy; provided further, that \$850,000 shall be provided for the planning and design of Segment 1 of the Blackstone River Bikeway; provided further, that \$500,000 shall be provided for a feasibility study for the Yarmouth road corridor; provided further, that \$3,000,000 shall be provided for rail-trail extensions in the Dennis and Yarmouth area; provided further, that \$75,000 shall be expended for a Route 3 Corridor Development analysis for infrastructure needs along state highway route 3 from interstate highway route 495 northbound to the New Hampshire state line; provided further, that \$45,000 shall be expended for a transportation and infrastructure Master Plan at the Pepperell Paper Mill; provided further, that \$2,000,000 shall be expended for a feasibility study of constructing a multi-modal station in the Guest street and Market street area in the Brighton section of the city of Boston, a River Station in Boston and Brookline and the Mountfort Street Corridor area of Boston and Brookline; provided, however, that the study shall be conducted by the executive office of transportation and public works, in consultation with the city of Boston transportation department; provided further, that the results of the study and its recommendations shall be filed with the clerks of the house of representatives and the senate and the chairmen of the house and senate committees on ways and means; provided further, that \$400,000 shall be provided for the realignment and reconstruction of the intersection of state highway route 135 and Frankland road in the town of Ashland; provided further, that \$4,000,000 shall be expended for improvements to Beacham and Williams streets-Spruce Street-Everett Avenue corridors; provided further, that \$100,000 shall be provided for a corridor study of state highway route 9 between interstate highway route 495 and state highway route 128; provided further, that \$850,000 shall be provided for the reconstruction of state highway route 38 in the town of Wilmington; provided further, that \$1,500,000 shall be provided for the design, permitting and construction of a river walk along the southern side of the Merrimack River in the city of Lawrence; provided further, that \$2,900,000 shall be provided for parking for the Quadrant Area Project in the city of Lawrence; provided further, that \$3,000,000 shall be provided for the study and planning of renovation of the interstate highway routes 93 and 95 interchange and the study and planning of construction of an exit ramp onto Dedham Street on the north bound side of interstate highway route 93 northbound ; provided further, that \$9,200,000 shall be expended for signalization and roadway improvements to the state highway route 116 and Main street corridor in the city of Springfield from interstate highway route 91 northbound off-ramp at interchange 10 to the

352 Chicopee city line; provided, however, that not less than \$6,200,000 of
353 those funds shall be used for roadway and signalization improvements at
354 the intersections of Springfield street at Chestnut street, Chestnut street at
355 Dover street, Main street, state highway route 116 at Walter street and
356 Noble street, Main street, state highway route 116 at Wason avenue and
357 Walter street at Bernie avenue; and provided further, that \$12,000,000
358 shall be expended for infrastructure improvements at Water Front Square
359 Project at Revere Beach
360\$401,500,000
361

362 6033-0827 For the purchase and rehabilitation of heavy equipment and other
363 maintenance equipment, including attachments and parts, for the
364 department.....\$7,500,000
365

366 6033-0837 For the remediation of environmental contamination at facilities
367 and on lands under the care, custody and control of the department,
368 including the costs for auditing and assessing the existence and
369 extent of environmental
370 contamination.....\$2,800,000
371

372 SECTION 2B

373 EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS

374 *Department of highways*

375 6033-0867 For the construction and reconstruction of town and county ways
376 as described in paragraph (a) of clause (2) of section 34 of chapter
377 90 of the General Laws; provided, however, that a city or town
378 shall comply with the procedures established by the department of
379 highways; provided further, that a city or town may appropriate for
380 projects amounts not in excess of the amount provided to the city
381 or town under this item, preliminary notice of which shall be
382 provided by the department to the city or town not later than April
383 1 of each year; provided further, that the commonwealth shall
384 reimburse a city or town under this item within 30 days after
385 receipt by the department of a request for reimbursement from the
386 city or town, which request shall include certification by the city or
387 town that actual expenses have been incurred on projects eligible
388 for reimbursement under this item, and that the work has been
389 completed to the satisfaction of the city or town according to the
390 specifications of the project and in compliance with applicable
391 laws and procedures established by the
392 department.....\$350,000,000
393

394 6033-0877 For the design and construction of roads, roadways and other
395 transportation related projects considered necessary for economic
396 development by the secretary of transportation and public works
397 upon the petition of the local government body; provided, that
398 funds authorized in this item shall be expended in accordance with
399 chapter 19 of the acts of 1983 and shall be in accordance with 701
400 CMR 5.00 to CMR 5.10, inclusive; provided further, that the
401 secretary of transportation and public works shall notify cities and
402 towns of the availability of funds through this program and shall
403 inform municipalities of the application process before the
404 expenditure of any funds from this
405 item.....\$50,000,000
406

407 6033-0887 For the purpose of implementing chapter 16 of the General Laws
408 relative to authorizing the commissioner of highways to establish
409 a program to assist towns with populations of 7,000 or less
410 undertaking projects to design, construct, reconstruct, widen,
411 resurface, rehabilitate and otherwise improve roads and
412 bridges.....\$10,000,000
413

414 SECTION 2C

415 EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS

416 *Office of the Secretary*

417 6001-0801 For the purposes of chapter 161B of the General Laws, including
418 the purchase and rehabilitation of rolling stock, and the
419 implementation of networking and intelligent transportation
420 systems to provide for interoperability communications, and the
421 construction, reconstruction and rehabilitation of regional transit
422 authority facilities and related
423 appurtenances.....\$17,000,000
424

425 6001-0802 For the purpose of implementing the mobility assistance program,
426 under section 13 of chapter 637 of the acts of 1983; provided, that
427 any grant funds awarded under this item shall be for not more than
428 80 per cent, except for regional transit authorities which may be
429 reimbursed up to 100 per cent, of the total purchase cost of the
430 vehicles or equipment purchased under said program; and provided
431 further, that the secretary of transportation and public works may
432 waive the foregoing limitation on a determination that a recipient is
433 in critical financial need.....\$7,000,000
434

435 6001-0803 For the purpose of planning, engineering, design and construction
436 of transportation infrastructure investments to be called regional

437 inter-modal transportation centers, strategically located to
438 maximize passenger connections between road, air, water, rail and
439 other transportation modes; provided, that in carrying out this item,
440 the secretary of transportation and public works may set service
441 standards to aid in identifying population hubs where intermodal
442 centers would optimally affect passenger movement throughout the
443 commonwealth; provided further, that \$2,000,000 shall be
444 expended for the Greenfield Transit Center project, provided
445 further that \$3,000,000 shall be expended for the Main Street
446 Gateway/Intermodal traffic safety improvement project in the town
447 of Falmouth; provided further, that not less than \$3,000,000 shall
448 be expended for design, engineering and construction of Phase I of
449 the intermodal transportation center in the city of Attleboro,
450 provided further that \$5,000,000 shall be expended for the non-
451 federal matching portion of the Haverhill Intermodal Parking
452 Garage and Transit Facility in Railroad Square
453\$20,000,000
454

455 6001-0804 For the purpose of implementing rail improvements under chapter 161C of
456 the General Laws; provided, that funds may be used for transportation
457 planning, design, permitting and engineering, acquisition of interests in
458 land, vehicle procurement, construction, construction of stations, right-of-
459 way acquisition, layover facilities and economic development and land-
460 use planning for heavy rail, light rail and bus projects, which projects shall
461 include the Urban Ring, Blue Line extension to Lynn, the Connecticut
462 River Knowledge Corridor Line and South Coast initiatives; provided
463 further, that not less than \$25,000,000 shall be expended for the Blue Line
464 Extension to Lynn; and provided further, that not less than \$30,000,000
465 shall be expended for the South Coast Rail Initiative
466\$65,000,000
467

468 6001-0805 For the purpose of improving and expanding marine transportation
469 services, for the purpose of enhanced passenger water
470 transportation capacity and intermodal access to the waterfront or
471 for other public transportation purposes including, but not limited
472 to, service feasibility studies, demonstration projects, the
473 acquisition of boats for passenger marine transportation services,
474 the planning, design, construction or acquisition of docking,
475 dredging and other landside facilities such as parking or shelter
476 facilities, improved landside access to such facilities, the purchase
477 of other equipment in connection with those operations and the
478 disposal of same when their use has been substantially diminished,
479 including all equipment or boats purchased for marine
480 transportation service before the effective date of this act;
481 provided, that in carrying out this item, the secretary of

482 transportation and public works may enter into contracts or
483 agreements that are appropriate with other state and local
484 agencies, authorities or political subdivisions of the commonwealth
485 including, but not limited to, the Massachusetts Port Authority, the
486 Massachusetts Bay Transportation Authority, the executive office
487 of housing and economic development, the executive office of
488 energy and environmental affairs, or with other quasi-public
489 agencies, which may enter into contracts or agreements with the
490 secretary; and provided further, that grants funded by this item
491 shall be subject to a 25 per cent match from eligible
492 applicants.....\$10,000,000
493

494 6001-0806 For a program to provide financial assistance to promote transit-
495 oriented development; provided, that such assistance may be in the
496 form of grants or loans and may be used to design, construct,
497 reconstruct or enhance parking facilities and related pedestrian and
498 bicycle access serving mixed use developments adjacent to
499 existing or planned transit stations, to build or rehabilitate housing,
500 at least 25 per cent of which shall be affordable to households
501 earning not more than 80 per cent of the area median income;
502 provided further, that all projects funded under this item shall be
503 located within .25 miles of a commuter rail station, subway station,
504 ferry terminal or bus station; provided further, that the executive
505 office of transportation and public works may enter into
506 agreements, request proposals and applications and issue
507 regulations and guidelines as necessary to carry out the purposes of
508 this item; provided further, that the secretary shall make reasonable
509 efforts to coordinate with and utilize existing programs and
510 resources including, but not limited to, the executive office for
511 administration and finance off-street parking program, the
512 Massachusetts Bay Transportation Authority Parking Enterprise
513 Fund, Massachusetts Bay Transportation Authority station air
514 rights development agreements, other Massachusetts Bay
515 Transportation Authority investments in station access or
516 commuter parking enhancements, similar types of parking
517 investments by any other regional transit authority or existing
518 programs of the department of housing and community
519 development, the executive office of energy and environmental
520 affairs, the Massachusetts Housing Finance Agency or the
521 Massachusetts Development Finance Agency; provided further,
522 that to be eligible to receive assistance under this item, a project
523 shall also receive financial or technical assistance from at least 1 of
524 the following: the department of housing and community
525 development, the executive office of energy and environmental
526 affairs, the Massachusetts Bay Transportation Authority, the
527 Massachusetts Housing Finance Agency or the Massachusetts

528 Development Finance Agency; and provided further, that annually,
 529 on or before December 31, the executive office of transportation
 530 and public works shall submit a report to the clerks of the senate
 531 and house of representatives, which shall include detailed
 532 descriptions of any agreements, loans or grants and a list indicating
 533 the allocation of all committed and expended funds under this
 534 item.....\$20,000,000
 535

536 6001-0810 For a grant program to provide for commercial and residential
 537 transportation and infrastructure development, improvements and various
 538 capital investment projects under the Growth Districts Initiative
 539 established by the executive office of housing and economic development;
 540 provided, that the secretary of housing and economic development, in
 541 consultation with the secretary of transportation and public works, shall,
 542 not later than December 31, 2008, promulgate regulations or issue
 543 guidelines regarding the proposed program described herein; provided
 544 further, that annually on or before December 31, the secretary shall issue
 545 a written report to the clerks of the senate and house of representatives, the
 546 chairs of Joint committee on bonding, capital expenditures and state
 547 assets, the chairs of the joint committee on transportation, the chairs of the
 548 joint committee on economic development and emerging technologies and
 549 the chairs of the senate and house committees on ways and means which
 550 shall include detailed descriptions of any infrastructure improvement
 551 projects funded pursuant to this program and all funds expended for this
 552 purpose.....\$50,000,000
 553

554 6001-0811 For the purposes of an off-street parking program pursuant to
 555 chapter 487 of the acts of 1980.....\$45,000,000
 556

557 6001-0816
 558 For the purpose of retiring revenue anticipation notes and any interest
 559 associated therewith for the purpose of currently financing the regional transit
 560 authorities established pursuant to chapter 161B with capital bond funds;
 561 provided, that each authority shall submit to the executive office of
 562 transportation and public works and the executive office for administration
 563 and finance a certified statement identifying the total amount of notes and
 564 interest issued by the regional transit authority which are attributable to
 565 contract assistance and any notes and interest that may be outstanding which
 566 are attributable to contract assistance; and provided further, that amounts
 567 allocated to the authorities from this item shall be expended in accordance
 568 with policies, rules and regulations established by the executive office of
 569 transportation and public works.....\$75,000,000
 570

571 SECTION 2D

572 **EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS**

573 *Office of the Secretary*

574 6001-0807 For the acquisition of information technology and related expenses
575 including, but not limited to, identity document verification
576 systems, Q-matic queuing system upgrade, automated testing
577 equipment, document imaging systems and laptop tablets for all
578 agencies within the executive office of transportation and public
579 works; provided, however, that any expenditures pursuant to this
580 item shall be subject to the approval of the chief information
581 officer of the commonwealth.....\$16,700,000
582

583 6001-0808 For the reconstruction, rehabilitation and maintenance of facilities
584 under the care and control of agencies within the executive office
585 of transportation and public works including, but not limited to, the
586 costs associated with the installation, improvement and repair of
587 electrical, heating, ventilation and air conditioning
588 systems.....\$1,000,000
589

590 6001-0809 For the purchase and rehabilitation of necessary durable equipment
591 and parts for said durable equipment for all agencies within the
592 executive office of transportation and public
593 works.....\$1,500,000
594

595 6001-0810 For the installation, maintenance and repair of security systems and
596 design improvements and related equipment, including security
597 cameras, for all agencies within the executive office of
598 transportation and public works.....\$1,220,000
599

600 SECTION 2E

601 **EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS**

602 *Office of the Secretary*

603 6001-0813 For design and construction of the Massachusetts Bay
604 Transportation Authority Fitchburg Line Speed Improvement
605 project.....\$67,000,000
606

607 6001-0815 For the purposes of providing interoperability and safety equipment for the
608 Massachusetts Bay Transportation Authority\$5,000,000
609

610 SECTION 2F

611 **EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS**

612 *Massachusetts Aeronautics Commission*

613 6006-0801 For the implementation of the airport improvement program under
614 section 51L of chapter 90 of the General
615 Laws.....\$40,000,000
616

617 SECTION 2G

618 **EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS**

619 *Office of the Secretary*

620 6000-0400 For the costs associated with relocating the Bradford layover
621 facility in the city of Haverhill including, but not limited to, site
622 identification, relocation, land acquisition, environmental,
623 engineering, permitting, design and construction costs; provided,
624 that the Massachusetts Bay Transportation Authority may use the
625 funds provided herein to establish revenue service to the new
626 layover facility.....\$10,000,000
627

628 6000-0450 For emergency traffic control and communications equipment for
629 the Cape Cod Emergency Traffic Plan.....\$366,500
630

631 6000-0500 For expansion of passenger air service including, but not limited to,
632 facilities infrastructure improvements and passenger terminal
633 enhancements at the Westover Metropolitan Airport in the city of
634 Chicopee.....\$15,000,000
635

636 SECTION 3. Chapter 6A of the General Laws is hereby amended by adding the
637 following section:—

638 Section 104. (a) As used in this section the following words shall have the
639 following meanings unless the context clearly requires otherwise:

640 “Compact”, the Massachusetts Mobility Compact.

641 “Executive office”, the executive office of transportation and public works.

642 “Independent agencies”, shall include, without limitation the

643 Massachusetts Turnpike Authority, the Massachusetts Bay Transportation
644 Authority, the Massachusetts Port Authority and the Massachusetts Association of
645 Regional Transit Authorities.

646 “Secretary”, the secretary of transportation and public works.

647 “State agencies”, shall include, without limitation the executive office, the
648 department of highways, the Massachusetts aeronautics commission, the registry of
649 motor vehicles and the department of conservation and recreation.

650 (b) There shall be a Massachusetts Mobility Compact, which shall be headed and
651 coordinated by the secretary. All state and independent agencies shall be members of the
652 compact. The compact shall improve the delivery of transportation services in the
653 commonwealth by communicating regularly and more effectively and by adopting a
654 cooperative and coordinated approach to transportation planning, design, construction,

operation and maintenance aimed principally at: (i) increasing mobility for people and goods within and through the commonwealth in a safe, secure, environmentally-sustainable and efficient manner; (ii) promoting and adopting administrative efficiency and program improvement initiatives between and among transportation agencies and authorities; and (iii) sharing best practice techniques for implementation across transportation modes.

(c) Independent and state agencies which are members of the compact may issue purchase or work orders and execute contracts between and among themselves for the purpose of accomplishing the objectives of this section without regard to any procurement requirements; provided, however, that nothing in this section shall exempt an independent or state agency from the public construction bidding statutes including, but not limited to, chapter 30, chapter 149 and chapter 149A.

(d) The secretary shall conduct regular meetings of the chief executives of each of the Independent and state agencies which are members of the compact.

SECTION 4. Section 1 of chapter 16 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 81, the word "chief" and inserting in place thereof the following word:- general.

SECTION 5. Said chapter 16 is hereby further amended by inserting after section 4B the following 5 sections:

Section 4C. (a) There shall be within the department a real estate appraisal review board. The board shall consist of not less than 3 nor more than 5 members to be appointed by the governor, 2 of whom shall be certified general real estate appraisers licensed by the board of real estate appraisers pursuant to section 92 of chapter 13. Members of the board shall be appointed for terms of 3 years or until a successor is appointed. Members shall be eligible to be reappointed and may be compensated at a rate to be determined by the department. Members of the board shall be state employees for the purposes of chapter 268A. A chairman of the board shall be elected annually from the membership. The department shall provide administrative support to the council as requested. In the event of a vacancy on the board, the governor shall appoint a new member consistent with this section to fulfill the remainder of the unexpired term.

(b) The department shall not purchase or acquire by eminent domain any real property or any interest in real property with a value in excess of \$300,000 without the written approval of the board.

(c) The board shall meet periodically, but not less than twice each year. All meetings shall be public. The board shall keep a public record of all meetings, votes and other business.

(d) The board shall submit an annual report of its activities during the preceding fiscal year not later than September 1 to the governor, the secretary of the executive office of transportation and public works, the commissioner, the chairs of the joint committee on transportation and the chairs of the house and senate committees on ways and means.

Section 4D. (a) The commissioner may establish a small town rural assistance program to assist towns with populations of 7,000 or less in undertaking projects to design, construct, reconstruct, widen, resurface, rehabilitate and otherwise improve roads

701 and bridges or for the construction of chemical storage facilities. The program shall
702 provide grant funds to towns for projects authorized by this section, and towns shall be
703 eligible to receive one grant every 5 fiscal years. The amount of the grant shall not
704 exceed \$500,000.

705 (b) The commissioner shall establish rules and regulations to govern the
706 application and distribution of grants under this section. The rules and regulations shall
707 include provisions for joint applications by 2 or more eligible towns for a single project
708 serving those towns. Funds so distributed may be apportioned to reflect the percentage of
709 the project located in each town. Receipt of a grant which is part of a joint application
710 shall not preclude a town from receiving additional funds under a separate
711 application; provided, however, that the total amount distributed to any 1 town shall not
712 exceed the maximum amount allowed under this section. Any rules or regulations, or any
713 amendment or repeal of any rules or regulations promulgated pursuant to this section
714 shall be filed with the clerks of the senate and house of representatives.

715 (c) A town with a population of 7,000 or less may, by vote at an annual town
716 meeting or at a special town meeting called for that purpose or, in a municipality having a
717 town council form of government, by the town council, make application to the
718 commissioner for financial assistance in undertaking a project described in this section.
719 The application shall include the proposed cost of the project, the proposed location of
720 the project and any other information specified by the rules or regulations.

721 (d) In evaluating the project and the level of funding, the commissioner shall
722 consider, without limitation, the following: (1) the extent to which the project will have a
723 beneficial impact upon the economy and public safety of an applicant town; (2) the
724 availability of funds for the project under other state or federal programs; (3) the
725 likelihood of funding under other state or federal programs; (4) the financial ability of the
726 town to fund the project from its own sources; (5) the ability of the town to enter the
727 capital markets to obtain borrowed funds for the project; and (6) the amount of state and
728 federal highway funds expended or to be expended in the town.

729 (e) The commissioner shall report annually to the house and senate committees on
730 ways and means and the joint committee on transportation on the status of all small town
731 rural assistance applicants.

732 Section 4E. (a) The commissioner may establish a program to assist
733 municipalities with non-federally-reimbursable public works economic development
734 projects, to design, construct, repair and improve roads, roadways and other related
735 public works facilities, as deemed necessary for economic development by the secretary
736 of transportation and public works upon the petition of an appropriate local governmental
737 body in accordance with this section and any rules or regulations promulgated by the
738 secretary in accordance with this section. The rules and regulations shall govern the
739 criteria by which the funds shall be distributed and the method by which a municipality
740 may apply for such funds. Any rules or regulations or any amendment or repeal of any
741 rules or regulations shall be filed with the clerks of the senate and house of
742 representatives.

743 (b) The commissioner may commit the funds pursuant to this section by executing
744 a grant or other contractual agreement with a municipality and, upon execution, the funds
745 so committed shall be made available as a grant directly to the municipality which has
746 entered into an agreement without further review or approval of the department. Each

747 agreement shall contain assurances satisfactory to the commissioner that the municipality
748 will award a construction contract for the project which is the subject of the agreement
749 not later than 180 days after the date of execution of the agreement.

750 (c) In the event that a contract is not awarded by the municipality within the
751 period provided in subsection (b), the commissioner may require, by written notification
752 to the municipality, that the funds paid to it by the commonwealth pursuant to the
753 agreement shall be returned forthwith to the commonwealth.

754 (d) The commissioner may, through execution of a grant or other contractual
755 agreement as provided in subsection (b), commit an amount of funds up to but not
756 exceeding the aggregate amount of funds returned by municipalities under subsection (c)
757 to any other municipality which has otherwise complied with the applicable requirements
758 for such projects, including the terms and conditions provided in this section.

759 (e) The commissioner shall report annually to the house and senate committees on
760 ways and means and the joint committee on transportation on the status of all public
761 works economic development applicants.

762 Section 4F. (a) The department of highways may provide functional replacement
763 of real property in public ownership whenever the department has acquired such property
764 in whole or in part under this chapter or when such property is significantly and adversely
765 affected as a result of the acquisition of property for a highway or highway-related
766 project and whenever the department determines that functional replacement is necessary
767 and in the public interest. For the purposes of this section, "functional replacement" shall
768 mean the replacement, pursuant to chapter 7, requiring authorization of the general court
769 prior to disposition of real property, including either land or facilities thereon, or both,
770 which will provide equivalent utility, and "real property in public ownership" shall mean
771 any present or future interest in land, including rights of use, now existing or hereafter
772 arising, held by an agency, authority, board, bureau, commission, department, division or
773 other unit, body, instrumentality or political subdivision of the commonwealth. This
774 section shall not constitute authorization by the general court as required by said chapter
775 7.

776 (b) Whenever the department determines it is necessary that a utility or utility
777 facility, as defined under federal law, be relocated because of construction of a project
778 which is to be reimbursed federally in whole or in part, then such facility shall be
779 relocated by the department or by the owner thereof in accordance with an order from the
780 department; provided, however, that the commonwealth shall reimburse the owner of
781 such utility or utility facility for the cost of relocation subject to the limitations in
782 subsections (e) and (f) and in accordance with the following formula: (1) for any utility
783 facility that is to be reimbursed federally in whole or in part, the department shall
784 reimburse the owner to the extent that the cost of relocating the utility facility is
785 reimbursed by the federal government; and (2) for the relocation of any utility facility
786 over \$50,000 that does not qualify for federal reimbursement, the department may
787 reimburse the owner in accordance with the owner's ability to meet the following
788 schedule: if the utility performs the relocation in a manner consistent with the
789 department's policies and not later than the target date established by the department for
790 the project, the department shall reimburse the utility at least 50 per cent but not more
791 than 80 per cent of the costs of relocating the utility facility. Failure to comply with an

order from the department shall be subject to enforcement under chapter 81 of the General Laws.

(c) Any relocation of facilities carried out under this section which is not performed by employees of the owner shall be subject to section 27 of chapter 149 of the General Laws.

(d) Notwithstanding any general or special law to the contrary, any utility facility that is required to be relocated because of the construction of a project federally funded under the Federal-Aid Highway Act of 1982 and the Federal-Aid Highway Act of 1987 may be relocated temporarily above ground during the construction of the project.

(e) The total cost to the commonwealth for reimbursements for utility relocations under this section that are not reimbursed federally in whole or in part shall not exceed \$10,000,000, annually, and shall not be credited toward the costs of the annual statewide road and bridge program.

(f) A utility relocation shall be eligible for reimbursement under this section only if it is completed to the satisfaction of the department within target dates established by the department and in accordance with design criteria set forth by the department for the relocation in a manner that facilitates the timely completion of the affected project.

Section 4G. Notwithstanding section 4F or any other general or special law to the contrary, the commonwealth, through the department of highways, may reimburse the owner of an underground utility or utility facility whenever such underground utility or utility facility has been relocated because of construction of a project which is to be reimbursed federally in whole or in part. The reimbursement authorized herein shall be to the extent that the cost of relocating the facility is reimbursed by the federal government.

SECTION 6. The second sentence of the second paragraph of section 8B of chapter 29 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following words:- ; provided, however, that if there is more than 1 surety company, the surety companies shall be jointly and severally liable.

SECTION 7. Section 39M of chapter 30 of the General Laws, as so appearing, is hereby amended by inserting after the word “authority”, in line 83, the following words:- ; provided further, that if there is more than 1 surety company, the surety companies shall be jointly and severally liable.

SECTION 8. Section 21 of chapter 81 of the General Laws, as so appearing, is hereby amended by inserting after the word “purpose”, in line 2, the following words:- , nor access granted thereto for any purpose.

SECTION 9. Said section 21 of said chapter 81, as so appearing, is hereby further amended by striking out, in lines 27 and 28, the words “, but shall be not less than two thousand dollars nor more than fifty thousand dollars” and inserting in place thereof the following words:— ; provided, however, that the bond shall be in an amount contained in a writing approved by a representative of the department but shall not be less than \$300,000.

SECTION 10. Section 1A of chapter 90 the General Laws, as so appearing, is hereby amended by inserting after the word “thereof”, in line 9, the following words:- or by the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority or the Massachusetts Port Authority.

SECTION 11. Section 2E of said chapter 90, as so appearing, is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) The registrar shall furnish, upon application, to the owners of private passenger motor vehicles distinctive registration plates which shall display on their face a design with the image of the American flag and the words “United We Stand” to commemorate the victims and heroes of the September 11, 2001 terrorist attack and the Massachusetts Military heroes from United States military Operations Enduring Freedom, Iraqi Freedom and Noble Eagle. There shall be a fee of not less than \$40 for such plates in addition to the established registration fee for private passenger motor vehicles, which shall be payable at the time of registration of such vehicle and at each renewal thereof. The portion of the total fee remaining after the deduction of the costs directly attributable to the issuance of such plates shall be deposited in a registry retained revenue account and of the remaining portion of such fee, 50 per cent shall be directed to the Massachusetts 9/11 Fund, Inc. and distributed by such fund at its discretion for the benefit of the relatives of the Massachusetts victims of the September 11, 2001 terrorist attack on America; 25 per cent shall be directed to the Massachusetts Military Heroes Fund, Inc. and distributed by such fund at its discretion for the benefit of the families of military service personnel from Massachusetts killed while in service to the United States as a result of, or in support of, Operations Enduring Freedom, Iraqi Freedom or Noble Eagle; and 25 per cent shall be deposited in the Commonwealth Security Trust Fund established in section 67 of chapter 10. In the event the Massachusetts 9/11 Fund, Inc. has met its obligations to design, construct and maintain a memorial to the victims of the September 11, 2001 terrorist attack on America, any funds not necessary for the continued maintenance of the memorial shall be made available to the Massachusetts 9/11 Fund, Inc. and distributed by such fund at its discretion for the benefit of the relatives of the Massachusetts victims of the September 11, 2001 terrorist attack on America.

SECTION 12. Section 24I of said chapter 90, as so appearing, is hereby amended by striking out subsection (a), and inserting in place thereof the following subsection:-

(a) As used in this section, the following words shall have the following meanings:

“Open container,” a bottle, can or other receptacle used to contain a liquid that has been opened or has a broken seal or the contents of which have been partially removed or consumed; provided, however, that a bottle resealed pursuant to section 12 of chapter 138 shall not be considered an open container; provided further, that a resealed bottle shall not be transported in the passenger area.

“Passenger area,” the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in a seated position including, but not limited to, the glove compartment; provided, however, that the passenger area shall not include a motor vehicle’s trunk or a

locked glove compartment or, if a motor vehicle is not equipped with a trunk, the area behind the last upright seat or an area not normally occupied by the driver or passenger.

SECTION 13. Paragraph (a) of clause (2) of the first paragraph of section 34 of said chapter 90, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- Such engineering services, including surveying services, shall only be performed by architectural, engineering or surveying firms prequalified by the department; provided, however, that a municipality may seek a waiver of this requirement from the department if the municipality demonstrates to the satisfaction of the department that it is cost prohibitive to use a prequalified firm.

SECTION 14. Section 12 of chapter 138 of the General Laws, as so appearing, is hereby amended by inserting after the word “commission”, in line 23, the following words:- and transported in a manner authorized in section 24I of chapter 90 when carried in a motor vehicle, as defined in section 1 of said chapter 90.

SECTION 15. Section 44D ½ of chapter 149 of the General Laws, as so appearing, is hereby amended by striking out, in line 148, the word “fraud” and inserting in place thereof the following words:- arbitrariness, capriciousness, fraud.

SECTION 16. Section 44D ¾ of said chapter 149 is hereby amended by striking out, in line 138, the word “fraud” and inserting in place thereof the following words:- arbitrariness, capriciousness, fraud.

SECTION 17. Section 44E of chapter 149 of the General Laws, as so appearing, is hereby amended by inserting after the word “price”, in lines 65 and 241, each time it appears, the following words:- ; provided, however, that if there is more than 1 surety company, the surety companies shall be jointly and severally liable.

SECTION 18. Section 44J of said chapter 149, as so appearing, is hereby amended by adding the following subsection:-

(9) No request for proposals or invitation for bids issued under sections 38A½ to 38O, inclusive, of chapter 7, section 11C of chapter 25A, section 39M of chapter 30, this section and sections 44B to 44H, inclusive, shall be advertised if the awarding authority’s cost estimate is greater than 1 year old.

SECTION 19. Section 25B of chapter 152 of the General Laws, as so appearing, is hereby amended by inserting after the word “commonwealth” in lines 1 and 2, the following words:- , the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority, the Massachusetts Port Authority.

SECTION 20. Section 24 of chapter 161A of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding section 168 of chapter 175 or any other general or special law to the contrary, the authority shall be exempt from any fees or taxes associated with surplus lines insurance; provided, however, that the exemption shall extend to any insurance

broker for any insurance premium tax or surplus lines tax being incurred or having been incurred by the insurance broker as a result of the insurance having been procured, placed, negotiated, continued or renewed for or on behalf of the authority.

SECTION 21. The first paragraph of section 17 of chapter 732 of the acts of 1981 is hereby amended by striking out clause (c).

SECTION 22. Section 1 of chapter 335 of the acts of 1982 is hereby amended by striking out clause (b).

SECTION 23. Chapter 19 of the acts of 1983 is hereby repealed.

SECTION 24. Section 32 of chapter 637 of the acts of 1983 is hereby repealed.

SECTION 25. Clause (n) of section 3 of chapter 811 of the acts of 1985 is hereby amended by striking out, in line 7, the word “one” and inserting in place thereof the following figure:- “2”.

SECTION 26. Section 1 of chapter 367 of the acts of 1992 is hereby amended by striking out, in lines 10 and 11, the words “five hundred seventy-four and eighty-six one hundredths feet (574.86’)” and inserting in place thereof the following words:- five hundred eighty-five and eleven one hundredths feet (585.11’).

SECTION 27. Said section 1 of said chapter 367 is hereby further amended by striking out, in lines 13 and 14, the words “two thousand four hundred and ninety feet (2,490’)” and inserting in place thereof the following words:— two thousand four hundred and seventy-nine feet (2,479’).

SECTION 28. Section 13 of chapter 196 of the acts of 2004 is hereby amended by adding the following paragraph:-

The commission shall expire as of December 31, 2007.

SECTION 29. Section 2E of chapter 291 of the acts of 2004 is hereby amended by striking out item 6001-0405 and inserting in place thereof the following item:-

6001-0405 For the purposes of chapter 161B of the General Laws, including the purchase, long-term lease and rehabilitation of rolling stock, implementation of networking and intelligent transportation systems to provide for interoperability communications and the construction, reconstruction and rehabilitation of regional transit authority facilities and related appurtenances; provided, that not less than \$900,000 shall be made available to the Cape Ann Regional Transit Authority for reimbursement for expenses associated with the purchase, construction and rehabilitation of the Cape Ann maintenance facility; provided further, that not less than \$500,000 shall be expended to contract with the Massachusetts Alliance for Small Contractors to provide technical assistance to minority and women-owned small businesses as well as other small business concerns in participating in public construction projects; provided further, that not less than \$1,000,000 shall be made available to create and support programs including, but

not limited to, programs for: (a) building the capacity of minority and women-owned business enterprises to participate in public construction projects; (b) capturing data on minority and women-owned businesses by industry; and (c) implementing programs and measures to secure federal assistance to support such programs.....\$25,000,000

SECTION 30. Section 20 of chapter 86 of the acts of 2008 is hereby repealed.

SECTION 31. Section 32 of said chapter 86 shall expire as of June 30, 2008.

SECTION 32. Notwithstanding any general or special law to the contrary, the harbor lines corrected by sections 14 and 15 shall be shown on a plan to be titled, "The Establishment of New Harbor Lines at Fort Point Channel" and shall bear the effective date of this act. This plan shall be prepared by the department of highways and shall be filed in the office of the department of environmental protection and made available for public inspection.

SECTION 33. Notwithstanding any general or special law to the contrary, the harbor lines established in section 1 of chapter 367 of the acts of 1992, as amended by sections 26 and 27 of this act, shall be shown on a plan to be titled, "The Establishment of New Harbor Lines at Fort Point Channel" and shall bear the effective date of this act. The plan shall be prepared by the department of highways and shall be filed with the department of environmental protection and made available for public inspection.

SECTION 34. Notwithstanding any general or special law to the contrary, sections 61 to 62I, inclusive, of chapter 30 of the General Laws, chapter 91 of the General Laws and section 40 of chapter 131 of the General Laws shall not apply to the repair, reconstruction, replacement or demolition by the department of highways, hereinafter referred to as the department, and the Massachusetts Bay Transportation Authority, hereinafter referred to as the authority, of existing state highway, authority or municipally-owned bridges, including the immediate approaches necessary to connect the bridges to the existing adjacent highway or rail system, in which the design is substantially the functional equivalent of, and in similar alignment to, the structure to be reconstructed or replaced; provided, however, that said sections 61 to 62I, inclusive, of said chapter 30 shall apply to the repair, reconstruction, replacement or demolition project if the project requires a mandatory environmental impact report pursuant to 301 CMR 11.00; and provided further, that said sections 61 to 62I, inclusive, of said chapter 30, said chapter 91 and said section 40 of said chapter 131 shall apply to any portions of the bridge and roadway approaches to the crossing of the Charles river for the Central Artery/Tunnel Project. All such work shall be subject to the requirements of the then-current edition of the Massachusetts Stormwater Handbook as approved by the department of environmental protection in accordance with applicable law, that notice shall be published in the Environmental Monitor of any application to the department of environmental protection for a water quality certification, and that said work shall be subject to performance standards prescribed by the department of environmental protection pursuant to section 401 of the federal Clean Water Act, if applicable. If a state

highway, authority or municipal bridge crosses over a railroad right-of-way or railroad tracks, the department or authority shall seek the opinion of a railroad company, railway company or its assigns operating on the track about the necessary clearance between the track and the bridge; provided, however, that the department and the authority and their agents or contractors may enter upon any right-of-way, land or premises of a railroad company, railway company or its assigns if necessary or convenient for the administration of this section. If a flagman is needed to administer this section, the railroad company, railway company or its assigns shall provide the flagman.

For the purposes of this section, "bridge" shall include, but not be limited to, any structure spanning and providing passage over water, railroad right-of-way, public or private way, other vehicular facility or other area.

A project exempt from said sections 61 to 621, inclusive, of said chapter 30, said chapter 91 or said section 40 of said chapter 131 pursuant to this section shall be subject to the public consultation process required by the then current version of the Project Development and Design Guidebook of the department of highways.

SECTION 35. Notwithstanding any general or special law to the contrary, the secretary of transportation and public works shall conduct a study regarding the feasibility of establishing a renewable fuels corridor on Cape Cod. The study shall evaluate potential locations for consumers to purchase alternative fuels and biofuels and shall include a plan for the implementation of the corridor. The secretary shall file a report the findings of the study together with legislation, if any, with the clerks of the senate and the house of representatives, the joint committee on transportation and the senate and house committees on ways and means not later than December 31, 2008.

SECTION 36. Notwithstanding any general or special law to the contrary, the Massachusetts Development Finance Agency may, upon the request of and with the prior written approval of the secretary of administration and finance, issue bonds of the agency in an amount not to exceed \$43,000,000 for the purpose of financing all or a portion of the costs, including costs of issuance of such bonds and other financing costs, of an east-west parkway and other roadway improvements connecting between state highway route 18 in the city know as the town of Weymouth and state highway route 3 in the town of Rockland, and as further described in the Memorandum of Agreement on Financing for the South Shore Tri-Town Development Corporation's Parkway entered into as of January 31, 2008, by and between the commonwealth, acting by and through the executive office for administration and finance and the executive office of transportation and public works and the South Shore Tri-Town Development Corporation, and as it may hereafter be amended from time to time, hereinafter referred to as the "Financing MOA". Bonds issued under this section may be issued under and secured by a trust agreement or a financing document with such terms and conditions as the agency may determine in accordance with this act and chapter 23G of the General Laws and may be refunded from time to time upon the request of and with the prior written approval of administration and finance. No findings of the agency pursuant to chapter 23G or chapter 40D shall be required in connection with the issuance of bonds authorized by this section. Notwithstanding the foregoing, revenues paid to the agency from the commonwealth as provided in section 67 shall be applied solely to the payment of and security for bonds

issued for the purposes described in this section, any amounts owed under agreements entered into pursuant to the Financing MOA and any ongoing administrative expenses of the agency related to such bonds. Bonds issued by the agency under this section shall not constitute a debt or a pledge of the faith and credit of the agency or the commonwealth but shall be payable solely from contract assistance pursuant to section 67.

All bonds issued by the agency shall state that the bonds are not a general obligation of the agency or an obligation of the commonwealth but shall be payable solely from the funds specifically pledged for their payment.

SECTION 37. Notwithstanding any general or special law to the contrary, the secretary of administration and finance, acting on behalf of the commonwealth, shall enter into an agreement with the Massachusetts Development Finance Agency providing that the commonwealth shall provide contract assistance for obligations of the agency for a period of not more than 30 years in amounts sufficient to pay debt service on the bonds of the agency issued pursuant to section 36, any amounts owed by the commonwealth pursuant to financing agreements entered into pursuant to the Financing MOA, as described in said section 36, and any ongoing administrative expenses of the agency related to such bonds. Such contract assistance agreement shall provide for the payment by the commonwealth of such amounts at such times during each fiscal year and upon such terms and under such conditions as the agreement, with the approval of the secretary of administration and finance, shall stipulate. The agency may pledge such agreement and the rights of the agency to receive amounts thereunder as security for the payment of bonds issued by the agency for such purposes. Such contract assistance agreement shall constitute a general obligation of the commonwealth for which the full faith and credit of the commonwealth shall be pledged for the benefit of the agency.

SECTION 38. Notwithstanding any general or special law to the contrary, the secretary of administration and finance and the secretary of transportation and public works, acting on behalf of the commonwealth, may execute and deliver the financing agreement referenced in the Financing MOA, as defined in section 36, and such other agreements and documents as the secretaries determine, to effectuate the issuance of the bonds authorized by said section 36 and to carry out the parkway project as contemplated in the Financing MOA.

SECTION 39. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out section 2A, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$411,800,000. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Transportation Improvement Loan Act of 2008, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2043. All interest and payments on account of principal on such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth; provided, however, that any

bonds issued by the state treasurer under this section shall, upon the request of the governor, be issued as special obligation bonds pursuant to section 20 of chapter 29 of the General Laws. In deciding whether to request the issuance of particular bonds as special obligations the governor shall take into account: (i) generally prevailing financial market conditions; (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by a nationally-recognized credit rating agency to the bonds proposed to be issued; and (iv) any applicable provisions of chapter 29. All special obligation revenue bonds issued under this section shall be designated on their face, Special Obligation Revenue Transportation Improvement Loan Act of 2008 and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2043. All principal on such obligations shall be payable from the Infrastructure Fund established in said section 20 of said chapter 29. Special obligation bonds issued under this section shall be special obligations of the commonwealth payable solely in accordance with said section 20 of said chapter 29.

SECTION 40. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out section 2B, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$410,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Transportation Improvement Loan Act of 2008, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2043. All interest and payments on account of principal on such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer under this section shall, upon the request of the governor, be issued as special obligation bonds pursuant to section 20 of chapter 29 of the General Laws. In deciding whether to request the issuance of particular bonds as special obligations, the governor shall take into account: (i) generally prevailing financial market conditions; (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by a nationally-recognized credit rating agency to the bonds proposed to be issued; and (iv) any applicable provisions of chapter 29. All special obligation revenue bonds issued under this section shall be designated on their face, Special Obligation Revenue Transportation Improvement Loan Act of 2008 and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2043. All principal on such obligations shall be payable from the Infrastructure Fund established in said section 20 of said chapter 29. Special obligation bonds issued under

1159 this section shall be special obligations of the commonwealth payable solely in
1160 accordance with said section 2O of said chapter 29.

1161
1162 SECTION 41. Notwithstanding any general or special law to the contrary, to meet
1163 the expenditures necessary in carrying out section 2C, the state treasurer shall, upon
1164 request of the governor, issue and sell bonds of the commonwealth in an amount to be
1165 specified by the governor from time to time but not exceeding, in the aggregate,
1166 \$309,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on
1167 their face, Transportation Improvement Loan Act of 2008, and shall be issued for a
1168 maximum term of years, not exceeding 30 years, as the governor may recommend to the
1169 general court under section 3 of Article LXII of the Amendments to the Constitution. All
1170 such bonds shall be payable not later than June 30, 2043. All interest and payments on
1171 account of principal on such obligations shall be payable from the Highway Fund. Bonds
1172 and interest thereon issued under this section shall, notwithstanding any other provisions
1173 of this act, be general obligations of the commonwealth; provided, however, that any
1174 bonds issued by the state treasurer under this section shall, upon the request of the
1175 governor, be issued as special obligation bonds pursuant to section 2O of chapter 29 of
1176 the General Laws. In deciding whether to request the issuance of particular bonds as
1177 special obligations, the governor shall take into account: (i) generally prevailing financial
1178 market conditions; (ii) the impact of each approach on the overall capital financing plans
1179 and needs of the commonwealth; (iii) any ratings assigned to outstanding bonds of the
1180 commonwealth and any ratings expected to be assigned by a nationally-recognized credit
1181 rating agency to the bonds proposed to be issued; and (iv) any applicable provisions of
1182 chapter 29. All special obligation revenue bonds issued under this section shall be
1183 designated on their face, Special Obligation Revenue Transportation Improvement Loan
1184 Act of 2008 and shall be issued for a maximum term of years, not exceeding 30 years, as
1185 the governor may recommend to the general court under section 3 of Article LXII of the
1186 Amendments to the Constitution. All such bonds shall be payable not later than June 30,
1187 2043. All principal on such obligations shall be payable from the Infrastructure Fund
1188 established in said section 2O of said chapter 29. Special obligation bonds issued under
1189 this section shall be special obligations of the commonwealth payable solely in
1190 accordance with said section 2O of said chapter 29.

1191 SECTION 42. Notwithstanding any general or special law to the contrary, to meet
1192 the expenditures necessary in carrying out section 2D, the state treasurer shall, upon
1193 request of the governor, issue and sell bonds of the commonwealth in an amount to be
1194 specified by the governor from time to time but not exceeding, in the aggregate,
1195 \$20,420,000. All bonds issued by the commonwealth as aforesaid shall be designated on
1196 their face, Transportation Improvement Loan Act of 2008, and shall be issued for a
1197 maximum term of years, not exceeding 30 years, as the governor may recommend to the
1198 general court under section 3 of Article LXII of the Amendments to the Constitution. All
1199 such bonds shall be payable not later than June 30, 2043. All interest and payments on
1200 account of principal on such obligations shall be payable from the Highway Fund. Bonds
1201 and interest thereon issued under this section shall, notwithstanding any other provisions
1202 of this act, be general obligations of the commonwealth; provided, however, that any
1203 bonds issued by the state treasurer under this section shall, upon the request of the
1204 governor, be issued as special obligation bonds pursuant to section 2O of chapter 29 of

the General Laws. In deciding whether to request the issuance of particular bonds as special obligations, the governor shall take into account: (i) generally prevailing financial market conditions; (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by a nationally-recognized credit rating agency to the bonds proposed to be issued; and (iv) any applicable provisions of chapter 29. All special obligation revenue bonds issued under this section shall be designated on their face, Special Obligation Revenue Transportation Improvement Loan Act of 2008 and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2043. All principal on such obligations shall be payable from the Infrastructure Fund established in said section 20 of said chapter 29. Special obligation bonds issued under this section shall be special obligations of the commonwealth payable solely in accordance with said section 20 of said chapter 29.

SECTION 43. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out section 2E, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$72,000,000; provided, however, that any federal grants received by the commonwealth or the Massachusetts Bay Transportation Authority for the Green Line to Medford Hillside and Union Square spur project shall be applied to reduce the state authorization by that amount. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Transportation Improvement Loan Act of 2008, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2043. All interest and payments on account of principal on such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer under this section shall, upon the request of the governor, be issued as special obligation bonds pursuant to section 20 of chapter 29 of the General Laws. In deciding whether to request the issuance of particular bonds as special obligations the governor shall take into account: (i) generally prevailing financial market conditions; (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds proposed to be issued; and (iv) any applicable provisions of chapter 29. All special obligation revenue bonds issued under this section shall be designated on their face, Special Obligation Revenue Transportation Improvement Loan Act of 2008, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2043. All principal on such obligations shall be payable from the Infrastructure Fund established in said section 20 of said chapter 29. Special obligation

bonds issued under this section shall be special obligations of the commonwealth payable solely in accordance with said section 2O of said chapter 29.

SECTION 44. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out section 2F, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$40,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Transportation Improvement Loan Act of 2008, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2043. All interest and payments on account of principal on such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer under this section shall, upon the request of the governor, be issued as special obligation bonds pursuant to section 2O of chapter 29 of the General Laws. In deciding whether to request the issuance of particular bonds as special obligations, the governor shall take into account: (i) generally prevailing financial market conditions; (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by a nationally-recognized credit rating agency to the bonds proposed to be issued; and (iv) any applicable provisions of chapter 29. All special obligation revenue bonds issued under this section shall be designated on their face, Special Obligation Revenue Transportation Improvement Loan Act of 2008, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2043. All principal on such obligations shall be payable from the Infrastructure Fund established in said section 2O of said chapter 29. Special obligation bonds issued under this section shall be special obligations of the commonwealth payable solely in accordance with said section 2O of said chapter 29.

SECTION 45. Notwithstanding any general or special law to the contrary, to meet a portion of the expenditures necessary in carrying out section 2G, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$25,366,500. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Transportation Improvement Loan Act of 2008, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2043. All interest and payments on account of principal on such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer under

1297 this section shall, upon the request of the governor, be issued as special obligation bonds
1298 pursuant to section 2O of chapter 29 of the General Laws. In deciding whether to request
1299 the issuance of particular bonds as special obligations, the governor shall take into
1300 account: (i) generally prevailing financial market conditions; (ii) the impact of each
1301 approach on the overall capital financing plans and needs of the commonwealth (iii) any
1302 ratings assigned to outstanding bonds of the commonwealth and any ratings expected to
1303 be assigned by a nationally-recognized credit rating agency to the bonds proposed to be
1304 issued; and (iv) any applicable provisions of chapter 29. All special obligation revenue
1305 bonds issued under this section shall be designated on their face, Special Obligation
1306 Revenue Transportation Improvement Loan Act of 2008, and shall be issued for a
1307 maximum term of years, not exceeding 30 years, as the governor may recommend to the
1308 general court under section 3 of Article LXII of the Amendments to the Constitution. All
1309 such bonds shall be payable not later than June 30, 2043. All principal on such
1310 obligations shall be payable from the Infrastructure Fund established in said section 2O
1311 of said chapter 29. Special obligation bonds issued under this section shall be special
1312 obligations of the commonwealth payable solely in accordance with said section 2O of
1313 said chapter 29.

1314
1315 SECTION 46. Notwithstanding any general or special law to the contrary, in
1316 carrying out sections 2A to 2G, inclusive, all agencies within the executive office of
1317 transportation and public works may enter into such contracts or agreements as may be
1318 appropriate with other state, local or regional public agencies or authorities. Such
1319 agreements may relate to such matters as an agency within such executive office shall
1320 determine, including, without limitation, the design, layout, construction, reconstruction
1321 or management of construction of all or any portion of such projects. In relation to any
1322 such agreements, the agency within such executive office may advance monies to such
1323 other agencies or authorities without prior expenditure by the agencies or authorities, and
1324 the agencies and authorities may accept monies necessary to carry out such agreements;
1325 provided, however, that the agency within such executive office shall certify to the
1326 comptroller the amounts so advanced; provided further, that such agreements shall
1327 contain provisions satisfactory to the agency within such executive office for the
1328 accounting of such monies as expended by any other agency or authority; and provided
1329 further, that all monies not expended under any such agreement shall be credited to the
1330 account of the agency from which they were advanced. Agencies within such executive
1331 office shall report to the house and senate committees on ways and means on any
1332 transfers completed pursuant to this section.

1333
1334 SECTION 47. (a) Notwithstanding any general or special law to the contrary, the
1335 department of highways shall expend the sums authorized in sections 2A, 2B and 2G for
1336 the following purposes: projects for the laying out, construction, reconstruction,
1337 resurfacing, relocation or necessary or beneficial improvement of highways, bridges,
1338 bicycle paths or facilities, on- and off-street bicycle projects, sidewalks,
1339 telecommunications, parking facilities, auto-restricted zones, scenic easements, grade
1340 crossing eliminations and alterations of other crossings, traffic safety devices on state
1341 highways and on roads constructed under section 34 of chapter 90 of the General Laws,
1342 highway or mass transportation studies, including, but not limited to, traffic,

environmental or parking studies, the establishment of school zones in accordance with section 2 of chapter 85 of the General Laws, improvements on routes not designated as state highways without assumption of maintenance responsibilities and, notwithstanding any general or special law to the contrary, projects to alleviate contamination of public and private water supplies caused by the department's storage and use of snow removal chemicals which are necessary for the purposes of highway safety and for the relocation of persons or businesses or for the replacement of dwellings or structures including, but not limited to, providing last resort housing under federal law and such functional replacement of structures in public ownership as may be necessary for the foregoing purposes and for relocation benefits to the extent necessary to satisfy the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601 et seq., Pub. L. 97-646, 84 Stat. 1864 (1971), and to sell any structure the title to which has been acquired for highway purposes. When dwellings or other structures are removed in furtherance of any of the foregoing projects, the excavations or cellar holes remaining shall be filled in and brought to grade within 1 month after such removal. In planning projects funded by said sections 2A, 2B and 2G, consideration shall be made, to the extent feasible, to accommodate and incorporate provisions to facilitate the use of bicycles and walking as a means of transportation; provided, however, that nothing in this section shall be construed to give rise to enforceable legal rights in any party or a cause of action or an enforceable entitlement as to the projects described in this section.

(b) Funds authorized in sections 2A, 2B and 2G shall, except as otherwise specifically provided in this act, be subject to the first paragraph of section 6 and sections 7 and 9 of chapter 718 of the acts of 1956, if applicable, and, notwithstanding any general or special law to the contrary, may be used for the purposes stated in this act in conjunction with funds of cities, towns and political subdivisions.

(c) In addition to the foregoing, the department of highways may: expend funds made available by this act to acquire from a person by lease, purchase, eminent domain under chapter 79 of the General Laws or otherwise, land or rights in land for parking facilities adjacent to a public way to be operated by the department or under contract with an individual; expend funds made available by this act for the acquisition of van-type vehicles used for multi-passenger, commuter-driven carpools and high-occupancy vehicles including, but not limited to, water shuttles and water taxis; and, in accordance with all applicable state and federal laws and regulations, exercise all powers and do all things necessary and convenient to carry out the purposes of this act.

(d) In carrying out this section, the department of highways may enter into contracts or agreements with cities to mitigate the effects of projects undertaken pursuant to this act and to undertake additional transportation measures within the city and may enter into such contracts or agreements with other state, local or regional public agencies, authorities, nonprofit organizations or political subdivisions as may be necessary to implement such contracts or agreements with cities. Cities and other state, local or regional public agencies, authorities, nonprofit organizations or political subdivisions may enter into such contracts or agreements with the department. In relation to such agreements, the department may advance to such agencies, organizations or authorities, without prior expenditure by such agencies, organizations or authorities, monies necessary to carry out such agreements; provided, however, that the department shall

1389 certify to the comptroller the amount so advanced; provided further, that all monies not
1390 expended under such agreement shall be credited to the account of the department from
1391 which they were advanced. The department shall report to the house and senate
1392 committees on ways and means on any transfers completed pursuant to this subsection.
1393

1394 SECTION 48. Notwithstanding any general or special law to the contrary, the
1395 executive office of transportation and public works and the department of highways shall
1396 take all necessary actions to secure federal highway or transportation assistance which is
1397 or may become available to said executive office or department including, but not limited
1398 to, actions authorized under or in compliance with Title 23 of the United States Code, the
1399 Surface Transportation Act of 1987, Pub. L. 100-17, the Intermodal Surface
1400 Transportation Efficiency Act of 1991, Pub. L. 102-240, the Transportation Equity Act
1401 for the 21st Century, Pub. L. 105-178, the Safe, Accountable, Flexible, Efficient
1402 Transportation Equity Act: A Legacy for Users, Pub. L. 109-59, Implementing
1403 Recommendations of the 9/11 Commission Act of 2007, Pub. Law 110-53 and any
1404 successor acts or reauthorizations of those acts, and actions such as filing applications for
1405 federal assistance, supervising the expenditure of funds under federal grants or other
1406 assistance agreements and making any determinations and certifications necessary or
1407 appropriate to the foregoing. If a federal law, administrative regulation or practice
1408 requires an action relating to such federal assistance to be taken by a department, agency
1409 or other instrumentality of the commonwealth other than the department of highways,
1410 such other department, agency or instrumentality shall take such action.
1411

1412 SECTION 49. Notwithstanding any general or special law to the contrary, the
1413 Merrimack Valley Regional Transit Authority transportation center, to be built at the
1414 Lower Millyard in the city know as the town of Amesbury, shall be designated and
1415 known as the Senator Nicholas J. Costello Transportation Center, in honor of Nicholas
1416 Costello, former state senator of the Third Essex District and former mayor of
1417 Amesbury. The Merrimack Valley Regional Transit Authority shall erect and maintain
1418 suitable markers bearing the designation in compliance with applicable state and federal
1419 standards.
1420

1421 SECTION 50. Notwithstanding any general or special law to the contrary, the
1422 executive office of transportation and public works shall update the Lower North Shore
1423 Transportation Improvement Study by preparing and including in the study the feasibility
1424 and costs associated with the following items: the widening of state highway route 1A
1425 from Curtis street to Mahoney circle; a grade separation at state highway route 1A and
1426 Boardman street; a grade separation at Mahoney circle; a grade separation at Revere
1427 street; a grade separation at Brown circle; a grade separation at Copeland circle; the
1428 establishment of a state highway route 1A and state highway route 16 connection, the
1429 establishment of a state highway route 1A and Chelsea street bridge connection;
1430 improvements to the interstate highway route 1 and state highway route 16 interchange;
1431 improvements at Butler circle; as well as the depression of tolls at the entrance to the
1432 Sumner tunnel and the exit of the Callahan tunnel. The report shall be submitted to the
1433 Joint Committee on Transportation not later than July 1, 2009.
1434

1435 SECTION 51. Notwithstanding any general or special law to the contrary, the
1436 owner, licensee, permittee or holder of an easement, contract or other right, in this section
1437 called the air space user, of or with respect to any structure, including bridges, located
1438 above the established grade line of the turnpike, the Ted Williams tunnel, the central
1439 artery north area and the central artery, as those terms are defined in chapter 81A of the
1440 General Laws, are hereby required to maintain, repair, restore, reconstruct, rehabilitate, or
1441 improve air rights structures and airspace at such airspace user's expense in accordance
1442 with the requirements of the Massachusetts turnpike authority's policy directive entitled
1443 "Tunnel Inspection and Testing Protocol for Roadways Covered by Air Rights
1444 Developments," effective as of December 14, 2007, as the same may be modified and/or
1445 amended by the authority from time to time, and with any directives issued by the
1446 authority in connection with such policy.

1447 Without limiting the generality of its other powers, the authority may do all things
1448 necessary, convenient or desirable to enforce this section, to maintain, repair, restore,
1449 reconstruct, rehabilitate or improve air space structures and air space at the air space
1450 user's expense, to enter upon the property of an air space user to exercise any of the
1451 foregoing powers and such entry shall not be deemed trespass nor shall an entry for such
1452 purposes be deemed an entry for condemnation proceedings which may be then pending,
1453 to impose a civil penalty in an amount of up to \$5,000 per day on an air space users for
1454 failure to comply with this section, which penalty may be recovered only after notice and
1455 hearing conducted by the authority or its designee and subject to judicial review and
1456 enforcement pursuant to chapter 30A of the General Laws or such other civil proceedings
1457 as may be authorized by state or federal law. The full amount of any civil penalty shall
1458 be paid to the authority. Nothing in this section shall abrogate any private right created
1459 by contract or otherwise.

1460
1461 SECTION 52. Notwithstanding any general or special law to the contrary, all
1462 construction contracts funded in whole or in part by the funds authorized by this act shall
1463 include a price adjustment clause for each of the following: fuel, both diesel and gasoline,
1464 asphalt, concrete and steel. A base price for each material shall be set by the awarding
1465 authority or agency and included in the bid documents at the time a project is advertised.
1466 The awarding authority or agency shall also identify in the bid documents the price index
1467 to be used for each material or supply. The adjustment clause shall provide for a contract
1468 adjustment to be made on a monthly basis when the monthly cost change exceeds +/- 5
1469 percent.

1470
1471 SECTION 53. Notwithstanding any general or special law to the contrary, the
1472 department of highways may, for the purposes of accommodating timing discrepancies
1473 between the available appropriations and expenditures associated with snow and ice
1474 control, including the purchase of materials and equipment and the payment of third party
1475 vendors, incur liabilities and expenses and the comptroller may certify for payment
1476 invoices in excess of appropriations; provided, however, that any such payment shall be
1477 pre-approved by the secretary of administration and finance and shall not exceed
1478 commonwealth revenues then on hand as certified by the comptroller.

1479

SECTION 54. Notwithstanding any general or special law to the contrary, section 61 and sections 62A to 62I, inclusive, of chapter 30 of the General Laws, chapter 91 of the General Laws and section 40 of chapter 131 of the General Laws shall not apply to bridge projects of the department of highways and the Massachusetts Bay Transportation Authority for the repair, reconstruction, replacement or demolition of existing state highway, authority and municipally-owned bridges, including the immediate approaches necessary to connect the bridges to the existing adjacent highway and rail system, in which the design is substantially the functional equivalent of, and in similar alignment to, the structure to be reconstructed or replaced; provided, however, that said section 61 and said sections 62A to 62I, inclusive, of said chapter 30 shall apply to the repair, reconstruction, replacement or demolition project where such project requires a mandatory environmental impact report under the applicable provisions of 301 CMR 11.00; provided further, that all such work shall be subject to the requirements of the then current edition of the department of highways' Stormwater Handbook as approved by the department of environmental protection in accordance with applicable law, that notice shall be published in the Environmental Monitor of any application to the said department of environmental protection for a water quality certification, and that the work shall be subject to performance standards prescribed by the said department of environmental protection pursuant to section 401 of the Federal Clean Water Act if applicable to the project; provided further, that notwithstanding the foregoing, said section 61 and said sections 62A to 62I, inclusive, of said chapter 30, said chapter 91, and said section 40 of said chapter 131 shall apply to any portions of the bridge and roadway approaches to the crossing of the Charles river for the Central Artery/Tunnel Project. In the case of any state highway, authority or municipal bridge crossing over a railroad right-of-way or railroad tracks, the department or authority, as applicable, shall seek the opinion of a railroad company, railway company or its assigns operating on the track of a necessary clearance between the track and the bridge, but the department and the authority and their agents or contractors may enter upon any right-of-way, land or premises of a railroad company or railway company or its assigns for purposes that the department or authority may consider necessary or convenient to carry out this section. If a flagman is needed to carry out this section, the railroad company, railway company or its assigns shall provide the flagman. For the purposes of this section, "bridge" shall include any structure spanning and providing passage over water, railroad right-of-way, public or private way, other vehicular facility or other area. Any project exempted from any provision of law pursuant to this section shall be subject to the public consultation process required by the then current version of the department of highways' Project Development and Design Guidebook.

SECTION 55. For the purposes of this section the following words shall have the following meanings:-

"Minority", a person with permanent residence in the United States who is Black, Portuguese, Western Hemisphere Hispanic, Asian, Native American or Cape Verdean.

"Minority business enterprise", an individual, business organization or nonprofit corporation which is certified as a minority business enterprise as defined in section 40 of chapter 23A of the General Laws by the state office of minority and women business assistance established in section 41 of said chapter 23A.

1526 "Women business enterprise", an individual, business organization or nonprofit
1527 corporation which is certified as a women business enterprise by the office; provided,
1528 however, that based upon the history of discrimination against minority and women
1529 business enterprises as determined by the results of the disparity study conducted
1530 pursuant to subsection (s) of section 3 of chapter 33 of the acts of 1991 and any other
1531 disparity studies thereafter conducted by the executive office of transportation and public
1532 works and its agencies, the executive office of transportation and public works , the
1533 Massachusetts Bay Transportation Authority, the department of highways and the
1534 Massachusetts aeronautics commission shall promote equality in the market by
1535 encouraging the full participation of minority and women owned businesses in all areas
1536 of state contracting, including contracts for construction, design and goods and services.
1537 Each agency, commission, authority and political subdivision shall implement a
1538 narrowly-tailored affirmative market program as set forth in Executive Order 390 which
1539 shall include race and gender conscious contracting goals when necessary to eliminate
1540 disparity between minority and women owned businesses and other business entities in
1541 the relevant market. Each such agency, commission, authority and political subdivision
1542 shall develop a comprehensive 5-year plan, to be updated and approved by the secretary
1543 of administration and finance on an annual basis, to encourage the participation of
1544 minority and women owned business enterprises in all aspects of public contracting
1545 including, but not limited to, programs for building the capacity of minority and women
1546 owned business enterprises, programs for capturing information on Massachusetts
1547 businesses by industry and programs for implementing measures required to secure
1548 federal aid.

1549 The secretary of transportation and public works and the executive officer of
1550 each such agency, commission, authority or political subdivision shall monitor the
1551 implementation of this section to ensure that the best efforts of each agency, commission,
1552 authority and political subdivision are utilized in the implementation of this section. Each
1553 such agency, commission and authority shall provide written quarterly reports to its
1554 respective secretary and to the secretary of administration and finance and each such
1555 political subdivision shall provide written quarterly reports to the office granting or
1556 otherwise providing funds authorized in this act and to the secretary of administration and
1557 finance. The quarterly reports shall detail the total number of contracts entered into, the
1558 dollar value of each contract, the number of contracts entered into with minority and
1559 women owned business enterprises and the dollar value of each contract entered into with
1560 said enterprises.

1561 Notwithstanding any general or special law to the contrary, each executive office,
1562 agency, commission, authority or political subdivision may initiate state office of
1563 minority and women business assistance certification of minority and women business
1564 enterprises in a manner consistent with the rules and regulations promulgated by said
1565 office. If an executive office, agency, commission, authority or political subdivision
1566 makes a referral that a business may be a minority or women owned business enterprise,
1567 such referral, together with supporting documentation and a letter indicating the intent of
1568 the executive office, agency, commission, authority or political subdivision to contract
1569 with the business, shall be sent to said office, which shall approve or disapprove said
1570 business within 25 business days. Upon the certification of a business as a minority or

women owned business enterprise by the office, such certification shall be effective for all executive offices and agencies for the purposes of this section.

SECTION 56. Notwithstanding any general or special law to the contrary, the secretary of transportation and public works in consultation with the secretary of administration and finance shall establish a financing plan to end the current system of retroactive reimbursement of the regional transit authorities established pursuant to chapter 161B of the General Laws. The financing plan may include and the secretary may use capital bond funds in whole or in part to finance the transition of regional transit authorities to a current funding system. The Secretary may use any other available funds in addition to or in place of bond funds necessary to establish a current financing system.

SECTION 57. To meet the expenditures necessary in carrying out section 86, the state treasurer shall, upon the request of the governor, issue and sell bonds of the commonwealth, in an amount to be specified by the governor from time to time, but not exceeding in the aggregate the sum of \$75,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Regional Transportation Authority Current Financing, and shall be issued for such maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2043 All interest and payments on account of principal on such obligations shall be payable from the Highway Fund. Notwithstanding any general or special law to the contrary, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 58. The secretary of administration and finance shall submit a report on the progress and all expenditures related to the projects specified in this act and any other projects funded through the authorizations in this act to the clerks of the senate and house of representatives, the chairs of the senate and house committees on ways and means and the senate and house chairs of the joint committee on transportation. The report shall include, but not be limited to: the total amount appropriated for each project, the total estimated cost of each project, the amount expended for the planning and design of each project up to the time the report is filed, the amount expended on construction of each project up to the time the report is filed, the total amount currently expended on each project, the estimated lifetime maintenance schedule and cost of each project, the original estimated completion date of each project, the current anticipated completion date of each project and, if the project has been de-authorized, the reason for and date of de-authorization. The report shall be submitted on June 30 and December 31 of each year for a period of 6 years after the effective date of this act.

SECTION 59. Section 4G of chapter 16 of the General Laws shall apply to an underground utility or utility location project eligible for federal reimbursement having commenced on or after January 1, 2008.